

## **Chapter 10.22**

### **VEHICLE EQUIPMENT**

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#### **10.22.010 Mufflers on Motor Vehicle.**

It shall be unlawful for any person to operate any motor vehicle without a muffler or with a muffler open or in any other manner as to make any noise unnecessary in the normal operation of such vehicle; provided, the provisions of this section shall not apply to vehicles of the Fire and Rescue Department. (Ord. 18170 §26; April 28, 2003: prior Ord. 15636 §1; July 9, 1990: P.C. §10.32.300: Ord. 8780 §1; July 19, 1965: Ord. 5699 §729; April 12, 1954).

#### **10.22.020 Horns and Signal Devices.**

It shall be unlawful for any person to operate any motor vehicle on any street or alley without equipping such vehicle with a horn in good working order capable of emitting sound audible under normal atmospheric conditions from a distance of not less than 200 feet; provided no vehicle, except an ambulance or an emergency vehicle, shall be equipped with any siren, exhaust, compression, or other type of whistle. (Ord. 15636 §2; July 9, 1990: P.C. §10.32.330: Ord. 5699 §732; April 12, 1954).

#### **10.22.030 Motor Vehicle; Farm Tractor; Motorcycle; Lights; Requirements.**

(a) Every motor vehicle upon a street or alley in the city during the period from a half hour after sunset to a half hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible persons or vehicles upon the highway at a distance of 500 feet ahead, shall be equipped with lighted front and rear lamps as respectively required in this section for different classes of vehicles.

(b) Every motor vehicle, other than a motorcycle, road roller, road machinery, or farm tractor, shall be equipped with two or more headlamps, at the front of and on opposite sides of the motor vehicle,

and with a lamp on the rear exhibiting a red light visible, under normal atmospheric conditions, from a distance of at least 500 feet to the rear of such vehicle, which headlamps shall comply with the requirements and limitations set forth in Sections 10.22.040 and 10.22.050.

(c) Every farm tractor shall be equipped with two or more headlamps, at the front or on opposite sides of the tractor, and with a lamp on the rear exhibiting a red light visible, under normal atmospheric conditions, from a distance of at least 500 feet to the rear of such tractor, which headlamps shall comply with the requirements and limitations set forth in Sections 10.22.040 and 10.22.050.

(d) Every motorcycle shall be equipped with at least one and not more than two headlamps and with a lamp on the rear exhibiting a red light visible, under normal atmospheric conditions, from a distance of at least 500 feet to the rear of such motor vehicle, which headlamp or lamps shall comply with the requirements and limitations set forth in Sections 10.22.040 and 10.22.050.

(e) It shall be unlawful for any owner or operator of any motor vehicle to operate such vehicle upon a street or alley within the city unless (1) the condition of the lamps and electric circuit is such as to give substantially normal light output, (2) the taillight shows red directly to the rear, the glass in the taillight is unbroken, the lamp is securely fastened, and the electric circuit is free from grounds or shorts, (3) there is no more than one spot lamp except for law enforcement personnel, government employees, and public utility employees, (4) there are no more than two auxiliary driving lamps, any such auxiliary lamps are mounted on the front at a point not less than twelve inches nor more than forty-two inches above the level surface upon which the vehicle stands, and every such auxiliary lamp meets the statutory requirements for headlamps, (5) if equipped with any lighting device, other than headlamps, spot lamps, or auxiliary driving lamps, which projects a beam of light of an intensity greater than twenty-five candle power, such lighting device is so directed that no part of the beam from the device will strike the level of the surface on which the vehicle stands at a distance of more than fifty feet from the vehicle, and (6) if equipped with side cowl or fender lamps, there are no more than two such lamps and each such side cowl or fender lamp emits an amber or white light. (Ord. 15636 §3; July 9, 1990).

#### **10.22.040 Vehicle Lights; Spot Lamps; Auxiliary Driving Lamps; Signal Lamps; Other Devices; Intensity and Direction.**

(a) Any motor vehicle may be equipped with spot lamps as specified in Section 10.22.030, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the beam will be directed to the left of the center of the street or alley nor more than 100 feet ahead of the vehicle.

(b) Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than twelve inches nor more than forty-two inches above the level surface on which the vehicle stands, and every such auxiliary driving lamp or lamps shall meet the requirements and limitations set forth in Section 10.22.050.

(c) Whenever a motor vehicle is equipped with a signal lamp, the signal lamp shall be so constructed and located on the vehicle as to give a signal which shall be plainly visible in normal sunlight from a distance of 100 feet to the rear of the vehicle but shall not project a glaring or dazzling light.

(d) Any device, other than headlamps, spot lamps, or auxiliary driving lamps, which projects a beam of light of an intensity greater than twenty-five candle power shall be so directed that no part of the beam will strike the level of the surface on which the vehicle stands at a distance of more than fifty feet from the vehicle. (Ord. 15636 §4; July 9, 1990).

**10.22.050 Headlamps; Construction; Adjustment; Requirements; Failure to Dim.**

(a) The headlamps of motor vehicles shall be so constructed, arranged, and adjusted that, except as provided in subsection (b) of this section, they shall at all times mentioned in Section 10.22.030, and under normal atmospheric conditions and on a level road, produce a driving light sufficient to render clearly discernible a person 200 feet ahead, but shall not project a glaring or dazzling light to persons in front of such headlamp.

(b) Headlamps shall be deemed to comply with the foregoing provisions prohibiting glaring and dazzling lights if none of the main bright portion of the headlamp beam rises above a horizontal plane passing through the lamp centers parallel to the level road upon which the loaded vehicle stands and in no case higher than forty-two inches, seventy-five feet ahead of the vehicle.

(c) It shall be unlawful for any person operating a motor vehicle upon passing or meeting another vehicle proceeding in the opposite direction to fail to dim such person's vehicle headlamp when such headlamps are lighted on bright or high beam.

(d) It shall be unlawful for any person operating a motor vehicle which is following another vehicle within 200 feet to the rear to fail to dim the headlamps of such person's motor vehicle when the headlamps are lighted on bright or high beam. (Ord. 15636 §5; July 9, 1990).

**10.22.060 Lights; Unlawful Use.**

It shall be unlawful for any person to drive on any of the streets or alleys in the city any vehicle which does not comply with the requirements of Sections 10.22.030 through 10.22.050 or to operate such vehicle with parking lights in lieu of headlamps as defined in Section 10.22.050. (Ord. 15636 §6; July 9, 1990).

**10.22.070 Brakes; Requirements.**

(a) Every motor vehicle when operated upon any street or alley in the city shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels and so constructed that no part which is liable to failure shall be common to the two, except that a motorcycle need be equipped with only one brake. All such brakes shall be maintained at all times in good working order.

(b) It shall be unlawful for any owner or operator of any motor vehicle, other than a motorcycle, to operate such motor vehicle upon a street or alley in the city unless the brake equipment thereon qualifies in the following respects with regard to maximum stopping distances from a speed of twenty miles per hour on dry asphalt or concrete pavement free from loose materials as hereinafter set forth:

- (1) Two-wheel brakes, maximum stopping distance, forty-feet;
- (2) Four or more wheel brakes, vehicles up to 7,000 pounds gross weight, maximum stopping distance, thirty feet;
- (3) Four or more wheel brakes, vehicles over 7,000 pounds gross weight, maximum stopping distance, thirty-five feet;
- (4) All hand, parking, or emergency brakes, vehicles up to 7,000 pounds gross weight, maximum stopping distance, fifty-five feet; and

(5) Allhand, parking, or emergency brakes, vehicles over 7,000 pounds gross weight, maximum stopping distance of sixty-five feet.

(c) All braking distances specified in subsection (b) above shall apply to all vehicles whether unloaded or loaded to the maximum capacity permitted by law.

(d) The retarding force of one side of the vehicle shall not exceed the retarding force on the opposite side so as to prevent the vehicle stopping in a straight line. (Ord. 15636 §7; July 9, 1990).

#### **10.22.080 Requirements for Vehicles Operated Upon Streets.**

Every motor vehicle operated upon the streets of the city shall meet the following requirements, to wit:

(a) Shall be properly registered as required by this title, and shall have displayed thereon the proper registration plates issued under the laws of the State of Nebraska;

(b) Shall be equipped with an efficient and audible signaling device;

(c) Shall be equipped with a windshield wiper in good working condition that will wipe off moisture uniformly over the entire sweep of the wiper;

(d) Shall be equipped with a rear view mirror, sufficiently large and in good reflective condition, so located, fastened, and adjusted as to reflect to the driver at all times a clear view of the highway for a distance of at least 200 feet to the rear of such vehicle;

(e) All glass shall be clear of stickers, signs, or any other material other than that required by law; and no glass shall be broken, cracked, discolored, or obscured to such an extent so that visibility to the operator is impaired or the ability to see inside the vehicle is substantially impaired;

(f) All tires shall be in safe operating condition. A tire shall be considered unsafe if it has any bump, bulge, or knot affecting the tire structure; a break which exposes a tire body cord or is repaired with a boot or patch; a tread depth of less than two thirty-seconds of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire or, on those tires with tread wear indicators, been worn to the point that the tread wear indicators contact the road in any two tread grooves at three locations equally spaced around the circumference of the tire, except that this subdivision shall not apply to truck tires with ten or more cord plies which are mounted on dual wheels; or such other conditions as may be reasonably demonstrated to render the tire unsafe.

No tire shall be used on any motor vehicle which is driven or moved on any street or alley in the city if such tire was designed or manufactured for nonstreet use.

No person shall destroy, alter, or deface any marking on a new or usable tire which indicates whether the tire has been manufactured for street or nonstreet use.

No person shall sell any motor vehicle for street use unless the vehicle is equipped with tires that are in compliance with this section.

(g) Wheels shall be aligned so that the side slippage due to error in alignment as indicated by the alignment indicator shall not exceed thirty feet per mile;

(h) All steering equipment must be in good condition and wheel play shall not exceed twenty-five degrees. With the weight of the vehicle off the wheels, inspection of the vehicle shall show no excessive wear or defective condition and adjustment of the steering mechanism, springs, and axle assemblies, particularly the steering post and gear, drop arm, drag link, tie rod, king pins and bushings, spindles and bearings, springs, loose or missing spring clips, axles, wishbone brace, knee action arms, pins and bushings;

(i) Shall be equipped with a muffler in good working condition and in constant operation to prevent excessive or unusual noise and annoying smoke. No "muffler cut-out" shall be used on any vehicle;

(j) No vehicle shall exceed a total outside width, including any load thereon, but excluding designated safety devices of 102 inches, except that such prohibition shall not apply to farm equipment in temporary movement during daylight hours in the normal course of farm operations. Excluded safety devices shall include such devices as rearview mirrors, turn signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mudflaps and splash and spray suppressant devices, load-induced tire bulge, refrigeration units or air compressors, and other devices necessary for safe and efficient operation of commercial motor vehicles, except that no such device shall have by its design or use the capability to carry cargo.

(k) No vehicle unladen or with load shall exceed a height of fourteen feet, six inches; provided, however, the owners, lessees, and operators, jointly and severally, of vehicles exceeding twelve feet six inches in height shall assume the risk of loss to the vehicle or its load, and shall be liable for any damages that result in overhead obstructions from operation of a vehicle exceeding twelve feet six inches in height.

(l) (1) No vehicle shall exceed a length of forty feet, extreme overall dimensions, inclusive of front and rear bumpers, including load, except that: (i) a bus may exceed the forty-foot limitation by up to six inches when such excess length is caused by the projection of a front or rear safety bumper constructed, treated, or manufactured so that it absorbs energy upon impact; and (ii) a semi-trailer operating in a truck-tractor single semi-trailer combination may exceed the forty-foot limitation but shall not exceed a length of forty-eight feet including load on streets not a part of the interstate and federal-aid primary system highways and fifty-three feet including load on streets on the interstate and federal-aid primary system.

(2) No combination of vehicles shall exceed a length of sixty-five feet extreme overall dimensions inclusive of front and rear bumpers and including load, except (i) a truck-tractor single semi-trailer combination and (ii) a truck-tractor semi-trailer/trailer combination, but the semi-trailer/trailer portion of such combination shall not exceed sixty-five feet inclusive of connective devices. Such combinations of vehicles exceeding a length of sixty-five feet extreme overall dimensions permitted by this section shall be limited to the interstate and federal-aid primary system highways with reasonable and direct access from those highways to terminals off of the system.

(3) A truck shall be construed to be one vehicle for the purpose of determining lengths; and

(4) A trailer shall be construed to be one vehicle for the purpose of determining lengths.

The above provisions of this subsection shall not apply to the temporary moving of farm machinery during daylight hours in the normal course of farm operations, nor to the movement of public utility construction and maintenance material at any time.

(m) Shall be equipped with efficient brakes in conformity with the requirements of this title.

(n) Shall be equipped with proper lights in conformity with the requirements of this title.

(o) Temporary outside mirrors and attachments used when towing a trailer shall be removed from a motor vehicle or retracted within the outside dimensions thereof when it is operated upon the public way without a trailer. (Ord. 17777 §1; December 11, 2000: prior Ord. 15636 §8; July 9, 1990: P.C. §10.44.070; Ord. 13858 §1; May 29, 1984: Ord. 11310 §3; March 24, 1975: Ord. 10947 §1; November 13, 1973: Ord. 10859 §2; July 16, 1973).

#### **10.22.090 Hauling in Streets Regulated.**

Any person who hauls or conveys garbage, refuse, rubbish, paper, leaves, brush, brick, stone, ice, mortar, earth, manure, or other substance through the streets shall haul or convey same in a truck or vehicle with a sufficiently tight bed or box so as to prevent any portion of the contents of the truck or vehicle from falling upon the streets, roadways, or alleys, and in case any portion thereof falls into or is scattered upon any street, roadway, or alley, the person shall cause the same to be removed forthwith. When any garbage, paper, leaves, manure, or any refuse which may be blown or dropped from the truck or vehicle which is being hauled or conveyed through the streets or alleys; the truck or vehicle shall at times, while in motion, be kept covered with a canvas, wood, or metal cover free from holes, which shall cover the entire portion of the load in the truck or vehicle and shall be firmly and closely attached to both sides and ends thereof. (Ord. 15636 §9; July 9, 1990: P.C. §14.32.010: Ord. 13093 §9; January 9, 1981: prior Ord. 3489 §41-501; July 6, 1936).

#### **10.22.100 Restrictions as to Tire Equipment.**

It shall be unlawful for any person to operate any vehicle when any tire on such vehicle moved on any street or alley shall have on its periphery any stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that:

(a) This prohibition shall not apply to pneumatic tires with metal or metal-type studs not exceeding five-sixteenths of an inch in diameter inclusive of the stud-casing with an average protrusion beyond the tread surface of not more than seven sixty-fourths of an inch between November 1 and April 1 however, school buses, mail carrier vehicles, and emergency vehicles shall be permitted to use metal or metal-type studs at any time during the year;

(b) It shall be permissible to use farm machinery with tires having protuberances which will not injure the street; and

(c) It shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to slide or skid.

It shall be unlawful for any person to operate or move on any street or alley in the city any motor vehicle, trailer, or semi-trailer having any metal tire in contact with the street or equipped with solid rubber tires, except that this restriction shall not apply to farm vehicles having a gross weight of 10,000 pounds or less and all implements of husbandry, and except as permitted by Section 10.22.110; provided, that any solid rubber tire on a vehicle moved on any street or alley shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery. (Ord. 15636 §10; July 9, 1990: P.C. §14.32.030: Ord. 13690 §1; September 12, 1983: prior Ord. 13093 §10; January 9, 1981: Ord. 9830; August 11, 1969: Ord. 9686 §2; January 27, 1969: Ord. 8380 §2; April 27, 1964: Ord. 3489 §41-503; July 6, 1936).

#### **10.22.110 Special Permission For Equipment.**

The Director of Public Works and Utilities may issue special permits authorizing the movement upon a street or alley of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks, or tractors or other machinery. As a condition of such permit, pavement protection may be required as deemed proper. (Ord. 16951 §63; March 11, 1996: prior Ord.

15636 §11; July 9, 1990: P.C. §14.32.045: Ord. 13093 §11; January 9, 1981: Ord. 9686 §3; January 27, 1969).

**10.22.120 Identification Requirements For Equipment in Streets and Alleys.**

All tractors, loaders, backhoes, drag lines, cranes, trenchers, and other construction equipment excavating in or otherwise performing work upon any street, alley, or public way shall have affixed to said equipment in a conspicuous location a sign identifying the user of said equipment. Such sign shall have letters at least two inches in height and be legible from a distance of 100 feet. (Ord. 15636 §12; July 9, 1990: P.C. §14.32.055: Ord. 13093 §12; January 9, 1981).